

From: John Opfer
To: Microsoft ATR
Date: 1/22/02 9:38am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to comment on the proposed settlement of the Microsoft antitrust case. In my judgment, all of the settlement proposals unjustly harm Microsoft and/or its competitors. To do justice to Microsoft, I recommend that we look to historical precedent.

The precedent I have in mind comes from the trial of Socrates, who was found guilty of the "crime" of impiety and corrupting Athens' youth.

The Socrates case seems an appropriate model. Neither impiety nor "anti-competitive practices" are strictly definable, but always decided ex ante. Neither Socrates nor Microsoft did any identifiable injury to any one--no one but their competitors complained (the Athenians who couldn't persuade the public to buy their arguments, the software makers who couldn't persuade the public to buy their software). And both seemed to be on trial for their virtues--competing vigorously with their intellectual work, challenging the status quo, and defining new standards.

The proposed settlement that Socrates offered included a statue of himself in the marketplace and free meals for life. Similarly, let the Dept of Justice erect a statue of Bill Gates in front of its headquarters and provide the cafeterias of Microsoft with all the government cheese that it can handle.

No doubt others would prefer to hand Microsoft a cup of hemlock and a stiff fine, but I think the verdict of history would be far more favorable were less punitive measures taken.

Sincerely,
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